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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,143	09/21/2006	Lain-Yen Hu	PC32134A	4943
28880	7590	11/27/2007	EXAMINER	
WARNER-LAMBERT COMPANY			YOUNG, SHAWQULA	
2800 PLYMOUTH RD			ART UNIT	PAPER NUMBER
ANN ARBOR, MI 48105			1626	
MAIL DATE		DELIVERY MODE		
11/27/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/599,143	HU ET AL.	
	Examiner Shawquia Young	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9 is/are rejected.
- 7) Claim(s) 1-8 and 13-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/13/07, 4/13/07, 4/16/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Claims 1-9 and 12-15 are currently pending in the instant application. Applicants have cancelled claims 10 and 11 in a preliminary amendment.

### **I. *Priority***

The instant application is a 371 of PCT/IB05/00872, filed on April 1, 2005 which claims benefit of US Provisional Application 60/561, 812, filed on April 13, 2004.

### **II. *Information Disclosure Statement***

The information disclosure statements (IDS) submitted on April 13, 2007 and April 16, 2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been fully considered by the examiner.

The information disclosure statement (IDS) submitted on April 13, 2007 is in partial compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been partially considered by the examiner.

### **III. *Restriction/Election***

#### **A. *Election: Applicant's Response***

Applicants' election without traverse of Group I in the reply filed on October 15, 2007 is acknowledged.

Subject matter not encompassed by elected Group I are withdrawn from further consideration pursuant to 37 CFR 1.142 (b), as being drawn to nonelected inventions.

**IV. Rejections**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claim contains the phrase "according to any one of claim", but it is dependent on claim 8. It is unclear if Applicants failed to list other claims that claim 9 could be dependent on or if the claim is dependent only on Claim 8.

**V. Objections**

**Claim Objection-Non Elected Subject Matter**

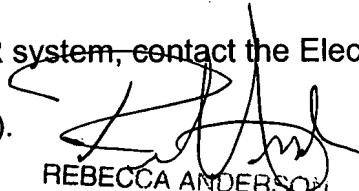
Claims 1-9 and 13-15 are objected to as containing non-elected subject matter. To overcome this objection, Applicant should submit an amendment deleting the non-elected subject matter.

**VI. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 6:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M<sup>c</sup>Kane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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- (i) in addition to an independent claim for a given product, an independent claims for a process specially adapted for the manufacture of the said product, and an independent claim for use of the said product, or
- (ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specially designed for carrying out the said process, or
- (iii) in addition to an independent claim for a given product, and independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for an apparatus or means specially designed for carrying out the said process,..."

This application contains the following inventions or groups of inventions, which

are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Due to the different classes found among the compounds of the formula represented in claim 1, e.g.  $X^3$  can contain 5-membered heteroaryl, 6-membered heteroaryl, phenyl, etc. a precise listing of inventive groups cannot be made. *The following groups are exemplary:*

**Group I** claim(s) 1-9 and 13-15 (in-part), are drawn to a compound of the formula represented in claim 1 wherein:  $X^1$  is represented by cyano, halogen or haloalkyl; one of  $R^1$  or  $R^2$  is represented by  $C_1-C_6$  alkyl which maybe optionally substituted, and the other of  $R^1$  or  $R^2$  is represented by hydrogen or  $C_1-C_6$  alkyl which may be optionally substituted;  $Alk^1$  is represented by a  $C_1-C_2$  linear alkylene group, in which up to two hydrogen atoms are optionally replaced by a substituent selected from the group consisting of  $C_1-C_6$  alkyl optionally substituted, halogen, hydroxyl, thiol and cyano;  $n$  is represented by the integer 0 or 1;  $Y$  is represented by  $NX^2X^3$ ;  $X^2$  is represented by

hydrogen or (C<sub>1</sub>-C<sub>6</sub>)alkyl optionally substituted; X<sup>3</sup> is represented by (C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkyl, classified in class 564.

**Group II** claim(s) 1-9 and 13-15 (in-part), are drawn to a compound of the formula represented in claim 1 wherein: X<sup>1</sup> is represented by cyano, halogen or haloalkyl; one of R<sup>1</sup> or R<sup>2</sup> is represented by C<sub>1</sub>-C<sub>6</sub> alkyl which maybe optionally substituted, and the other of R<sup>1</sup> or R<sup>2</sup> is represented by hydrogen or C<sub>1</sub>-C<sub>6</sub> alkyl which may be optionally substituted; Alk<sup>1</sup> is represented by a C<sub>1</sub>-C<sub>2</sub> linear alkylene group; in which up to two hydrogen atoms are optionally replaced by a substituent selected from the group consisting of C<sub>1</sub>-C<sub>6</sub> alkyl optionally substituted, halogen, hydroxyl, thiol and cyano; n is represented by the integer 0 or 1; Y is represented by NX<sup>2</sup>X<sup>3</sup>; X<sup>2</sup> is represented by hydrogen or (C<sub>1</sub>-C<sub>6</sub>)alkyl optionally substituted; X<sup>3</sup> is represented by heteroaryl(C<sub>1</sub>-C<sub>6</sub>)alkyl, where the heteroaryl is 5 or 6-membered with no N atoms, classified in class 549.

**Group III** claim(s) 1-9 and 13-15 (in-part), are drawn to a compound of the formula represented in claim 1 wherein: X<sup>1</sup> is represented by cyano, halogen or haloalkyl; one of R<sup>1</sup> or R<sup>2</sup> is represented by C<sub>1</sub>-C<sub>6</sub> alkyl which maybe optionally substituted, and the other of R<sup>1</sup> or R<sup>2</sup> is represented by hydrogen or C<sub>1</sub>-C<sub>6</sub> alkyl which may be optionally substituted; Alk<sup>1</sup> is represented by a C<sub>1</sub>-C<sub>2</sub> linear alkylene group, in which up to two hydrogen atoms are optionally replaced by a substituent selected from the group consisting of C<sub>1</sub>-C<sub>6</sub> alkyl optionally substituted, halogen, hydroxyl, thiol and